

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09	DARRICK JENNINGS,	)	CASE NO. C05-0868-RSL-MAT
10	Plaintiff,	)	
11	v.	)	ORDER DISMISSING KING
12	C/O DAVIS, et al.,	)	COUNTY AND DIRECTING
13	Defendants.	)	SERVICE BY FIRST-CLASS MAIL
14		)	ON REMAINING DEFENDANTS

On May 20, 2005, the undersigned United States Magistrate Judge identified several deficiencies in plaintiff's original *pro se* civil rights complaint, filed pursuant to 42 U.S.C. § 1983, and granted plaintiff leave to file an amended complaint. (Dkt. #5). On June 7, 2005 plaintiff filed an amended complaint. (Dkt. #7). Having reviewed the amended complaint, the Court has determined that plaintiff has corrected one of the two deficiencies in the original complaint. Accordingly, the Court hereby ORDERS as follows:

(1) Dismissal of King County

In his original complaint, plaintiff named King County Department of Corrections ("King County") as a defendant but failed to allege that he had suffered any constitutional deprivation as a result of a "custom or policy" of King County. *See Board of County Comm'rs v. Brown*, 117 S. Ct. 1382, 1388 (1997). In the amended complaint, plaintiff does not cure this deficiency.

ORDER DISMISSING KING COUNTY AND DIRECTING  
SERVICE BY FIRST-CLASS MAIL ON REMAINING  
DEFENDANTS  
PAGE -1

01 Accordingly, King County is hereby DISMISSED as a defendant from this lawsuit.

02 (2) Service by Clerk.

03 The Clerk is directed to send the following to the remaining defendants by first class mail:  
04 a copy of the amended complaint (Dkt. #7) and of this Order, two copies of the Notice of Lawsuit  
05 and Request for Waiver of Service of Summons, a Waiver of Service of Summons, and a return  
06 envelope, postage prepaid, addressed to the Clerk's office. The Clerk shall also send a copy of the  
07 amended complaint and of this Order to the King County Prosecutor's Office by first class mail.

08 (3) Response Required.

09 Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of  
10 Service of Summons. If a defendant timely returns the signed Waiver, the defendant shall have  
11 **sixty (60) days** after the date designated on the Notice of Lawsuit to file and serve an answer to  
12 the complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

13 If a defendant fails to timely return the signed Waiver, he will be personally served with  
14 a summons and complaint, and may be required to pay the full costs of such service, pursuant to  
15 Rule 4(d)(2). A defendant who has been personally served shall file an answer or motion  
16 permitted under Rule 12 within **thirty (30) days** after service.

17 (4) Filing and Service by Parties, Generally

18 All attorneys admitted to practice before this Court are required to file documents  
19 electronically via the Court's CM/ECF system. Additionally, any document filed with the Court  
20 must be accompanied by proof that it has been served upon all parties that have entered a notice  
21 of appearance in the underlying matter. Counsel are directed to the Court's website –  
22 [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) – for a detailed description of the requirements for filing via CM/ECF.

23 All non-attorneys, such as *pro se* parties and/or prisoners, may continue to file a paper  
24 original of any document for the Court's consideration. All filings, whether filed electronically or  
25 in traditional paper format, must indicate in the upper right hand corner the name of the Magistrate  
26

01 Judge to whom the document is directed.

02 (5) Motions.

03 Any request for court action shall be set forth in a motion, properly filed and served. Any  
04 document filed with the Court must be accompanied by proof that it has been served upon all  
05 parties that have entered a notice of appearance in the underlying matter. The argument in support  
06 of the motion shall not be made in a separate document but shall be submitted as part of the  
07 motion itself. The motion shall include in its caption (immediately below the title of the motion)  
08 the date the motion is to be noted for consideration upon the court's calendar. That date, and  
09 deadlines for filing an opposition to the motion and a reply, depend upon the nature of the motion  
10 and are governed by rule CR 7(d), which is summarized below.

11 The following motions shall be noted for consideration on the day they are filed, pursuant  
12 to local rule CR 7(d)(1): Stipulated and agreed motions, motions to file overlength motions or  
13 briefs, motions for reconsideration, joint submissions pursuant to the optional procedure  
14 established in CR 37(a)(2)(B), motions for default, requests for the clerk to enter default  
15 judgment, and motions for the court to enter default judgment where the opposing party has not  
16 appeared. **All other non-dispositive motions** shall be noted for consideration no earlier than the  
17 third Friday following filing and service of the motion. *See* Local Rule CR 7(d)(3)(2005). **All**  
18 **dispositive motions** shall be noted for consideration no earlier than the fourth Friday following  
19 filing and service of the motion. (*Id.*)

20 No opposition need be filed to the motions specifically identified in the first sentence of  
21 the preceding paragraph. Briefs and affidavits in opposition to any other motion shall be filed and  
22 served not later than 4:30 p.m. on the Monday immediately preceding the date designated for  
23 consideration of the motion. If a party fails to file and serve timely an opposition to a motion, the  
24 court may deem any opposition to be without merit. *See* Local Rule CR 7(b)(2) (2005). Any  
25 reply papers shall be filed and served no later than the noting date. *See* Local Rule CR 7(d)(3)

(2005).

///

(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

(7) Copies of Order

The Clerk is directed to send a copy of this Order and of the General Order to plaintiff and a copy of this Order to the Honorable Mary Alice Theiler.

DATED this 10th day of June, 2005.



Robert S. Lasnik  
United States District Judge

Recommended for Entry this  
9th day of June, 2005.

s/ Mary Alice Theiler  
United States Magistrate Judge